



# **COMMONWEALTH OF MASSACHUSETTS**

**MIDDLESEX, SS.**

## **SPECIAL TOWN MEETING**

**To the Constable of the Town of Maynard, in said County,**

### **GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the voters of said Maynard, to assemble IN **FOWLER MIDDLE SCHOOL AUDITORIUM**, THREE TIGER DRIVE IN SAID town, on Monday, October 25, 2010 at 7:00 P.M. then and there to act on the following articles:

### **SPECIAL NOTICE TO VOTERS**

On Monday, October 18, 2010 at 7:00 P.M., a public hearing will be held at the Maynard Town Hall, Michael J. Gianotis Room, Room 201, to discuss with any citizen who desires further information, as to the recommended budget, and any special Articles in the Warrant to which the Finance Committee has made a recommendation. Explanation and discussion concerning these matters may be helpful in the interest of saving time at the Special Town Meeting. Your participation is welcomed.

## **ADA ADVISORY**

Anyone in need of special arrangements for the Town Meeting, such as wheelchair arrangements or signing for the hearing impaired, please contact the Office of the Selectmen at (978) 897-1301 by October 20, 2010 in order for reasonable accommodations to be made.

## **PROCEDURES AT TOWN MEETING**

**Order of Articles:** Articles are voted on in the order they are presented unless Town Meeting votes to do otherwise.

**Secret Ballot Votes:** The Moderator determines whether or not an article requires a secret ballot according to Town By-laws. If the Moderator determines that an Open Vote applies to an article, at least 25 voters may request that a secret ballot vote be taken. The request for a secret ballot vote must be made prior to the open vote being taken.

**Amending an Article at Town Meeting:** Anytime after a main motion has been made and seconded, but before being voted on, it is possible to amend the main motion:

1. Ask the Moderator for recognition.
2. Present a motion to amend verbally and submit a copy of the motion in writing to the Moderator. The motion to amend must include your name as sponsor, any change in appropriation and its source.
3. The motion to amend must be seconded.
4. The motion to amend must be voted on by Town Meeting separately from the main motion.
5. The motion to amend must pass by a simple majority vote.
6. More than one motion to amend can be made to the main motion, but must be presented and voted on one at a time. A motion to amend must be made before the main motion is voted on.
7. After all motions to amend are voted, the main motion, (or as amended), must be voted on.

**Reconsider an Article:** An article may be reconsidered, that is revoted, **only** within thirty (30) minutes of the time that the main article (motion) was voted on. An article can only be reconsidered once. To reconsider:

1. Ask the Moderator for recognition.
2. Ask for reconsideration within the thirty (30) minute time limit. The Moderator can now finish present business, which may go on beyond thirty (30) minute limit. However, The Moderator shall take up the reconsideration as the next order of business.
3. At the proper time, present your motion for reconsideration and state your name.
4. At the Moderator's option, he can move the motion without further discussion.

### **NECESSARY MAJORITIES\***

9/10 majority is required for unpaid bills of prior fiscal years (Special Town Meeting) that had no appropriation.

4/5 majority is required for unpaid bills of prior fiscal years, (Annual Town Meeting).

2/3 majority is required for all borrowing, land acquisitions or transfers and zoning by-laws.

Simple majority is required for all else, such as: regular By-laws, current appropriations and transfers, unpaid bills of prior years that has money appropriated but arrived to late to be included.

#### **NOTE:**

Yes and No votes will only be considered in the calculation of percentages. To figure the percentage, divide the Yes votes by the total Yes and No votes.

Example: 100 Yes, 50 No, and 20 Blanks shall be interpreted as:

$$\frac{100 \text{ Yes}}{100 \text{ Yes} + 50 \text{ No}} = 66.7\% \text{ or } 2/3$$

\*Please note these vote quantums are for example only and there may be other types of votes, which fall under each of the categories listed above.

**ARTICLE ONE:****NEW MAYNARD HIGH SCHOOL**

To see if the Town will vote to appropriate the sum of Forty-Five Million, Eight Hundred Thirty Four Thousand, Six Hundred Fifty Nine Dollars (\$45,834,659.00) for constructing, equipment and furnishing a new Maynard High School to be located at One Tiger Drive, Maynard including costs incidental or related thereto, which school facility shall have an anticipated useful life as an education facility for the instruction of school children for at least 50 years, said sum to be expended under the direction of the Board of Selectmen with advice from the School Building Committee, and to meet said appropriation the Treasurer with approval of the Board of Selectmen is authorized to borrow said sum under M.G.L. Chapter 44 or any other enabling authority; that the Town acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that the Town may receive from MSBA for the Project shall not exceed the lesser of (1) the final MSBA approved percentage of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 56, Section 21C (Proposition 2 ½); and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA; that the Board of Selectmen is hereby authorized to file an application to qualify under Chapter 44A of the General Laws any or all of the bonds and to provide such information and execute such documents as may be required for these purposes; or to take any other action relative thereto.

SPONSORED BY:	Board of Selectmen
APPROPRIATION:	\$45,834,659.00
FINCOM RECOMMENDATION:	

**ARTICLE TWO: SEWER ENTERPRISE STABILIZATION FUND**

To see if the Town will vote to transfer from the sewer enterprise stabilization funds the sum of \$160,000.00 to purchase a three wheel street sweeper.

To do or act thereon.

SPONSORED BY: Department of Public Works  
APPROPRIATION: \$160,000.00  
FINCOM RECOMMENDATION:

Comment from DPW, the sweeper will be an integral component of the Town's mandate to meet requirements of the new regulations under the storm water management Act. This sweeper will also allow the Town to clean the Downtown on a regular schedule, clean problem areas after storms or accidents etc.

**ARTICLE THREE: WATER ENTERPRISE STABILIZATION FUND**

To see if the Town will vote to transfer from the water enterprise stabilization fund the sum of \$10,000.00 to pay for a survey of cross connection devices, educational programs and other associated costs including inspection fees.

To do or act thereon.

SPONSORED BY: Department of Public Works  
APPROPRIATION: \$10,000.00  
FINCOM RECOMMENDATION:

Comments: This article will pay for a Department of Environmental Protection (DEP) mandate, which requires a survey of all cross connections in Town. This work will include a survey of residential irrigation meters. The Town has never conducted such a survey. The Department of Public Works (DPW) will develop a mailing to all water users in Maynard informing them of the regulation and providing information on acceptable devices. The DPW will conduct the survey in the Spring of 2011 in order that customers have ample time to comply with the regulations.

**ARTICLE FOUR: AMEND ZONING BY-LAWS – BODY ART ESTABLISHMENTS**

TO SEE IF THE TOWN WILL VOTE TO:

A. Amend the Protective Zoning By-laws by deleting the entirety of Sub-Section 3 of Section 5.5.A. Body Art Establishments, which currently reads:

“3. Body Art Establishments shall not be located within 300 feet of a residential zoning district. Residential Zoning Districts include: Residential Districts S-1, S-2, General Residence Districts, Garden Apartment districts and High Rise Apartment Districts.”

And replacing it with the following:

3. The Special Permit Granting Authority (SPGA) may impose reasonable conditions to ensure that the body art establishment will have the minimal impact on the surrounding neighborhood, visually and from any light, noise, and fumes generated by it. Conditions may include screening by plantings and otherwise, restrictions on operations, and increased setbacks if light, noise, or fumes from the body art establishment is a concern, which in the sole opinion of the SPGA, is not adequately addressed by the applicant.

B. Amend the Protective Zoning By-laws by deleting the entirety of Sub-Section 3 of Section 6.3.A. Body Art Establishments which currently reads;

“3. Body Art Establishments shall not be located within 300 feet of a residential zoning district. Residential Zoning Districts include: Residential Districts S-1, S-2, General Residence Districts, Garden Apartment districts and High Rise Apartment Districts.”

And replacing it with the following:

3. The SPGA may impose reasonable conditions to ensure that the body art establishment will have the minimal impact on the surrounding neighborhood, visually and from any light, noise, and fumes generated by it. Conditions may include screening by plantings and otherwise, restrictions on operations, and increased setbacks if light, noise, or fumes from the body art establishment is a concern, which in the sole opinion of the SPGA, is not adequately addressed by the applicant.

To do or act thereon.

SPONSORED BY:	The Planning Board
APPROPRIATION:	None
FINCOM RECOMMENDATION:	

**Explanation:** Intent is to reduce confusion over 100 foot and 300 foot set-back requirements, as well as eliminate potential illusory zoning.

## **ARTICLE FIVE:**

## **OPTIONAL ADDITIONAL EXEMPTION**

To see if the Town will vote to adjust the exemption amount and eligibility factors for the property tax exemption for senior citizens under MGL Chapter 59, Section 5 Clause 41C, to be effective for exemptions granted for any fiscal year beginning July 1, 2010.

To do or act thereon.

Comments:

By local option, a municipality may grant an additional exemption to all taxpayers who qualify for any personal exemptions except seniors receiving a Clause 41C exemption. Maynard residents that are approved for Clause 41C are already at the optional 100% allowable amount for this exemption. The additional exemption may be set at any percentage up to 100 % of the personal exemption amount. The percentage increase must be uniform for all exemptions. The additional exemption cannot reduce the applicant's tax to less than the tax owed for the previous fiscal year.

Example:

An applicant for a Clause 22 Veterans' exemption in 2011 would receive an exemption of \$400.00. A 100% vote would increase this to \$800.00.

An applicant for a Clause 22E 100% Disabled Veteran exemption in 2011 would receive an exemption of \$1,000.00. A 100% vote would increase this to \$2,000.00.

An applicant for a Clause 17D Seniors/Assets Only exemption in 2011 would receive an exemption of \$281.00. A 100% vote would increase this to \$562.00.

An applicant for a Clause 37A Blind exemption in 2011 would receive an exemption of \$500.00. A 100% vote would increase this to \$1,000.00.

This option is an annual decision and must be approved by town meeting. The decision to grant the additional exemption must be made before the approval of the tax rate for the year. This increase was approved for Fiscal Year 2009 and 2010

SPONSORED BY:

Assistant Assessor

APPROPRIATION:

0

FINCOM RECOMMENDATION:

**ARTICLE SIX: SENIOR WORK-OFF ABATEMENTS**

To see if the Town will vote to:

Increase the maximum property tax reduction seniors may earn performing work for their community under local option G.L.c.59 §5K from \$750.00 to \$1,000.00.

To do or act thereon

SPONSORED BY: Assistant Assessor  
APPROPRIATION: 0  
FINCOM RECOMMENDATION:

Comments: This option would increase the maximum reduction to \$1,000.00, which was previously \$750.00. Currently the seniors are required to work a total of 94 hours for the \$750.00 reduction with the acceptance of this option they would now have to work a total of 125 hours to receive the \$1,000.00 amount. The hourly rate of \$8.00, which is the minimum wage rate, is earned for each hour a senior works. The monies will be charged against the overlay account.



Given under our hand this 2<sup>nd</sup> day of *September* in the year Two Thousand and Ten.

Robert G. Nadeau

Robert Nadeau, Chairman

Brandon Choynka

Brandon Choynka, Selectman

Sally A. Bubier

Sally A. Bubier, Selectman

David O. Gavin

David Gavin, Selectman

Dawn Capella

Dawn Capella, Selectman

A true copy, Attest Lawrence E. Harrinell Jr. Constable of Maynard.